

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

JOSEPH E. SMITH

PLAINTIFF

vs.

CASE NO. 5:03CV00163GH

LEE HEARN, ET AL.

DEFENDANTS

ORDER

On September 20, 2006, the Court gave plaintiff fifteen days to file a verified schedule with the Court pursuant to the Arkansas garnishment statute. He filed an affidavit on October 4, 2006, and subsequently, pursuant to the Court's Order, exhibits to the affidavit were placed under seal.

Ark. Code Ann. § 16-66-211 provides that Hearn must request a hearing within five days after receiving notice of the exemption. Hearn has failed to request the hearing.

The Court finds that the claim of exemption is valid.

Accordingly, the motion to quash garnishment is hereby granted.

IT IS SO ORDERED this 30th day of October, 2006.



UNITED STATES DISTRICT JUDGE